

(b) Has been assessed as sexually dangerous to others by a Bureau mental health professional.

**§ 549.92 Definition of “sexually violent conduct.”**

For purposes of this subpart, “sexually violent conduct” includes any unlawful conduct of a sexual nature with another person (“the victim”) that involves:

(a) The use or threatened use of force against the victim;

(b) Threatening or placing the victim in fear that the victim, or any other person, will be harmed;

(c) Rendering the victim unconscious and thereby engaging in conduct of a sexual nature with the victim;

(d) Administering to the victim, by force or threat of force, or without the knowledge or permission of the victim, a drug, intoxicant, or other similar substance, and thereby substantially impairing the ability of the victim to appraise or control conduct; or

(e) Engaging in such conduct with a victim who is incapable of appraising the nature of the conduct, or physically or mentally incapable of declining participation in, or communicating unwillingness to engage in, that conduct.

**§ 549.93 Definition of “child molestation.”**

For purposes of this subpart, “child molestation” includes any unlawful conduct of a sexual nature with, or sexual exploitation of, a person under the age of 18 years.

**§ 549.94 Definition of “sexually dangerous to others.”**

For purposes of this subpart, “sexually dangerous to others” means that a person suffers from a serious mental illness, abnormality, or disorder as a result of which he or she would have serious difficulty in refraining from sexually violent conduct or child molestation if released.

**§ 549.95 Determining “serious difficulty in refraining from sexually violent conduct or child molestation if released.”**

In determining whether a person will have “serious difficulty in refraining

from sexually violent conduct or child molestation if released,” Bureau mental health professionals may consider, but are not limited to, evidence:

(a) Of the person’s repeated contact, or attempted contact, with one or more victims of sexually violent conduct or child molestation;

(b) Of the person’s denial of or inability to appreciate the wrongfulness, harmfulness, or likely consequences of engaging or attempting to engage in sexually violent conduct or child molestation;

(c) Established through interviewing and testing of the person or through other risk assessment tools that are relied upon by mental health professionals;

(d) Established by forensic indicators of inability to control conduct, such as:

(1) Offending while under supervision;

(2) Engaging in offense(s) when likely to get caught;

(3) Statement(s) of intent to re-offend; or

(4) Admission of inability to control behavior; or

(e) Indicating successful completion of, or failure to successfully complete, a sex offender treatment program.

**PART 550—DRUG PROGRAMS**

**Subpart A [Reserved]**

**Subpart B—Alcohol Testing**

Sec.

550.10 Purpose and scope.

**Subpart C [Reserved]**

**Subpart D—Urine Surveillance**

550.30 Purpose and scope.

550.31 Procedures.

**Subpart E—Drug Services (Urine Surveillance and Counseling for Sentenced Inmates in Contract CTCs)**

550.40 Purpose and scope.

550.41 Urine surveillance.

550.42 Procedures for urine surveillance.

550.43 Drug counseling.

550.44 Procedures for arranging drug counseling.

**Subpart F—Drug Abuse Treatment Program**

550.50 Purpose and scope.

550.51 Drug abuse education course.